

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CHARITY AUSTIN,)
)
Plaintiff,)
)
 vs.) CIVIL NO. 18-cv-091-CJP¹
)
COMMISSIONER of SOCIAL SECURITY,)
)
Defendant.)

MEMORANDUM AND ORDER

PROUD, Magistrate Judge:

Before the Court is the parties' Joint Motion for Remand for Further Proceedings Pursuant to Sentence Four of 42 U.S.C. § 405(g). (**Doc. 29**).

The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, "the ALJ will re-evaluate the record medical opinions; re-evaluate the claimant's mental RFC, with citation to the

¹ This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. §636(c). See, Doc. 26.

medical evidence that supports each limitation assessed; re-assess the claimant's fibromyalgia; re-evaluate the claimants' subjective statements under SSR 16-3p; and obtain additional vocational evidence if warranted."

Plaintiff applied for disability benefits in October 2014. (Tr. 59). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the parties' Joint Motion for Remand (**Doc. 29**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying plaintiff's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: September 21, 2018.

**s/ Clifford J Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE**